

Application Serial No.:  
09/920,227

Attorney Docket No.:  
SP01-193

### **REMARKS**

In view of the above amendments and the following remarks, favorable reconsideration of the outstanding Office Action is respectfully requested.

Claims 1 is currently amended in this paper. No new claim is added. Claims 10 and 16-23 were previously canceled without prejudice. Claims 11, 12, 14 and 15 were previously presented.

#### **1. Rejections under 35 U.S.C. § 112**

The Examiner has rejected claims 1-9 and 11-15 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner asserted that the original disclosure did not contain support for "rotating horizontal deposition surface."

Applicant respectfully traverses this rejection, with the above amendments to the claims duly taken into consideration.

FIGURE 2 of the present application clearly indicates the fused silica boule 36 is formed on a horizontal deposition surface of the deposition substrate 32. The deposition substrate 32 is located on the top of a rotating table 34. Therefore, the deposition surface is rotating. See paragraphs [0022] and [0023] and FIGURE 2 of the present application. Therefore, Applicant submits that the "rotating horizontal deposition surface" is supported by the original disclosure of the present application. Claim 1 is further amended to clarify this issue.

Applicant respectfully requests the Examiner to withdraw this rejection under 35 U.S.C. § 112, first paragraph.

#### **2. Rejections under 35 U.S.C. § 102**

The Examiner has rejected originally filed claims 1, 2, 4-9 and 11-15 under 35 U.S.C. § 102(b) as being anticipated by Rau *et al.* (United States Patent No. RE 30,883).

Whereas Rau *et al.* teaches the formation of vitreous fused silica essentially free of hydroxyl ions, optionally doped, using high frequency induction heating, it does not disclose the deposition of silica particles on a horizontal deposition surface on a rotating table, which is required in claim 1, as amended, of the present application.

Clearly, the process disclosed in Rau *et al.* is a waveguide process, in which the fused quartz 19 and the rod 19' are rotating, such that the fused silica soot is deposited on the rotating cylindrical external surface. Clearly 19 in FIG. 1 of Rau *et al.* is not placed

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horizontally. It follows the deposition surface of the fused quartz body 19 is not horizontal. Clearly, the external cylindrical surface of the rod 19' cannot be regarded as a horizontal surface when its axis is horizontal. Moreover, the clarification of claim 1 dictates that the deposition of silica soot is vertical, and thus the growth of the boule would be vertical. However, in the method of Rau *et al.*, the deposition of silica soot is along the radial direction of the rod 19' or the quartz body 19, thus the growth of the fused silica body 29 is along the radial direction of the rod, but not vertically.

The Examiner further rejected originally filed claim 3 under 35 U.S.C. § 102(b) as being anticipated by Gouskov *et al.* (WO 99/52832).

Again, because the starter rod is held horizontally, the Examiner asserted that the deposition surface is horizontal.

Gouskov *et al.* is related to a process for forming optical fiber preform. Much similar to Rau *et al.*, clearly the deposition surface in Gouskov *et al.* is a cylindrical surface, which can never be regarded as horizontal when its axis is horizontal. For substantially the same reasons against the above rejection over Rau *et al.*, this rejection is traversed.

Applicant respectfully requests the Examiner to withdraw this rejection under 35 U.S.C. § 102.

### 3. Conclusion

Based upon the above amendments, remarks, and papers of record, Applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests reconsideration of the pending claims 1-15 and a prompt Notice of Allowance thereon.

Applicant believes that no extension of time is necessary to make this Response timely. Should Applicant be in error, Applicant respectfully requests that the Office grant such further time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

The undersigned attorney is granted limited recognition by the Office of Discipline and Enrollment of the USPTO to practice before the USPTO in capacity as an employee of Corning Incorporated. A copy of the document granting such limited recognition either has been previously submitted or is submitted herewith for the record.

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Please direct any questions or comments to the undersigned at (607) 248-1253.

Respectfully submitted,

CORNING INCORPORATED

Date:

September 3, 2004

Siwen Chen

Limited Recognition  
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**Certificate of Facsimile**

I hereby certify that this paper and/or payment of fee is being  
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on September 3, 2004

(Date)

Signature:

Siwen Chen

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